

City Council Regular Meeting, October 9, 2001

Twin Pines Senior and Community Center, 1223 Ralston Avenue

**SPECIAL MEETING: 6:45 P.M.**

A. Planning Commission Interview. (R. Frautschi)

This meeting was cancelled because of scheduling conflicts.

**REGULAR MEETING - 7:30 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Cook, Wright, Warden

COUNCILMEMBERS ABSENT: Rianda, Hahn

Staff Present: City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Community Development Director Ewing, Public Works Director Curtis, Finance Director Fil, Police Chief Janke, Human Resources Director Dolan, Fire Chief Jewell, IT Manager Harnish, City Clerk Kern

**REPORT FROM CLOSED SESSION**

Vice Mayor Warden reported that at the Closed Sessions held on September 25, 2001, direction was given, but not action was taken.

**SPECIAL ORDERS OF THE DAY/PRESENTATIONS**

**Presentation from Supervisor Hill's office for Belmont's 75<sup>th</sup> Anniversary**

**San Mateo County Supervisor Hill**, presented a Resolution honoring the City on its 75<sup>th</sup> Anniversary.

**Councilmember Eaton**, City of San Carlos, presented a a Proclamation congratulating the City on its 75<sup>th</sup> Anniversary.

**Mrs. Bonnar**, President, Belmont/Redwood Shores Elementary School District, made a presentation honoring the 75<sup>th</sup> Anniversary. She thanked the Anniversary committee for the wonderful parade that was held over the weekend.

**Presentation of International Association of Fire Chiefs Award for Excellence and City International City Manager's Association Award to Fire Chief Jewell.**

City Manager Kersnar explained that this was the third award presented to the Joint Powers Authority for this innovative Public/Private Partnership program.

South County Fire Chief Jewell explained that these awards were in recognition of the Countywide Advanced Life Support- Joint Powers Authority paramedic's program.

## **Presentation of Resolution proclaiming October 23-31, 2001 as Red Ribbon Week in the City of Belmont.**

Vice Mayor Warden read this Resolution and presented it to Chief Janke. Chief Janke thanked the Council for their support and explained that there would be various activities around the City during this week.

### **PUBLIC/COUNCIL COMMENTS**

**Mr. Barbagelata**, 819 Holly Road, summarized his comments from the letter he had sent to Council requesting that the City take immediate steps to bring Holly Road up to a safe condition to prevent someone from getting injured. He said in 1994 the City had responded to requests to fix the road by suggesting a neighborhood assessment to put in curbs, gutters and sidewalks. He said this idea was rejected because of the expense. He explained that all the neighbors were requesting was that the road be kept in a safe, passable condition because he thought that this was a liability issue for the City.

**Mr. Moore**, 892 Holly Road, reviewed the history of Holly Road and stated that the roadbed had eroded to the point that it has created a dangerous condition. He said this road had been in disrepair for over 61 years and requested that the street be fixed as soon as possible. He said he would like this item placed on a future agenda to resolve this issue.

**Mr. Dentler** 2608 Wakefield Drive, said that this was the Public Works Director's last meeting and he wanted to thank him for all the work he had done for the residents during the time he was here.

**Mr. Diridon** Carlmont Associates, 1940 Ralston Avenue, said the Public Works Director had made a positive impact on the City of Belmont while he was here, and wished him luck in his new job.

**Mr. Kranen**, 1902 Notre Dame, congratulated everyone involved with the success of the 75<sup>th</sup> Anniversary parade.

Mr. Kranen cautioned the residents of Holly Road about fixing their street. He stated that they may encounter the traffic volume and speed problems that exist on streets that had been brought up to City Standards.

C. Cook extended her thanks to Mr. and Mrs. McQueen for all their hard work organizing the 75<sup>th</sup> Anniversary parade and making it such a success. She said that various events had been scheduled throughout the month to celebrate this Anniversary.

Assistant City Manager Rich reminded everyone about the candidates forum on October 17<sup>th</sup> starting at 6:00 P.M. He announced that this event would be sponsored by the Homeowners Associations and would be videotaped to be played on the local cable channel at various times before the election.

C. Warden expressed the City's condolences to Mayor Hahn and C. Rianda, who both lost members of their family last week.

### **AGENDA AMENDMENTS**

Vice Mayor Warden announced that agenda items 6B(encroachment; and 7B (discussion regarding Initiative) would be discussed at the next City Council meeting.

## **CONSENT CALENDAR**

**Approval of meeting minutes:** Regular Meeting September 11, 2001.

**Approval of Warrant List Dated:** September 21, 2001 in total amount of \$334,726.90 and dated September 28, 2001 in total amount of \$474,304.07.

**Written Communication 1).** Rec. 9/24/01 Model Cable TV Franchises, Model Cellular Tower leases, Zoning Ord. from Varnum Riddering, Schmidt & Howlett.

**Motion to approve Claims Management Report.**

**Motion to waive reading of Ordinances.**

**Resoluton No. 9093** approving the purchase of one Daewoo Forklift for the Public Works Department from Moore Material Handling Group for an amount not to exceed \$22,449.60.

**Resolution No. 9094** approving a Professional Services Agreement with Emily & Associates for Consulting Services. (\$6,500).

**Resolution No. 9095** declaring October 23-31, Red Ribbon Week in the City of Belmont.

**Resolution No. 9096** authorizing \$5,000 Community Group Funding Grant to the American Red Cross for purposes of providing disaster assistance and the transfer and use of contingency funds.Services.

**Action:** on motion by C. Wright, seconded by C. Cook, and approved unanimously, by show of hands, 3-0 (Rianda, Hahn absent), to adopt Consent Calendar.

## **PUBLIC/HEARINGS**

**Public Hearing to be conducted by the Belmont City Council for consideration of a Belmont Lot Merger Ordinance. The Ordinance would amend the Subdivision Ordinance of the Belmont Municipal Code by adding section XVII establishing rules and procedures governing city initiated mergers of contiguous parcels in common ownership. (Appl. No. 2001-0127), CEQA Status: Categorically Exempt, City of Belmont - Applicant.(2<sup>nd</sup> reading and adoption).**

Community Development Director Ewing stated this was an important milestone in the implementation of the San Juan Hills Area Plan and the Western Hills Plan. He said by adopting this Ordinance, lots qualified for merger would be combined from two or more into one lot. He reported that the first reading of this Ordinance was on August 28<sup>th</sup> with the public hearing and second reading scheduled for this time.

Vice Mayor Warden opened the public hearing.

**Mr. Chapman**, 2923 San Juan Blvd, asked if this merger would effect R-1B lots on San Juan Blvd?

Community Development Director Ewing stated that the focus of this merger Ordinance was HRO lots. He explained that any two lots owned in common, qualified under this ordinance. He said that there were many lots in the San Juan Canyon that did not meet the City's development standards.

**Mr. Chapman** stated that he owned two lots, with a home on one of the lots. He asked if this standard would apply to him

Community Development Director Ewing stated he would have to research the question and give Mr. Chapman an answer at a later time. He noted that if the lot met the development standards for access, water and utilities, then it was probably not a candidate for merger.

**Attorney Colantuono**, Neufeld, Jaffe, Levin & Colantuono, explained that a tool would be added to the land use tool box by adoption of this ordinance. He said that if the City chose to merge lots, the first step would be to send mailed notice advising property owners that their lots were candidates for merger. He said that if Mr. Chapman's lot were to be considered for merger, he would be notified by certified letter that this conclusion had been reached. He said some preliminary analysis had been conducted on lots in that planning area that appear to be suitable for merger. A graphic has been prepared, and staff has determined which lots to proceed with. Mr. Chapman's lot had not been analyzed, because there was no current plan to proceed with respect to it.

In response to Mr. Chapman, Attorney Colantuono explained that a person could transfer property but it would be subject to the merger. He said that if a person transferred a lot while this merger was taking place, the ownership would be as tenants in common. Financing transactions could still occur, but the buyers would be on notice that they may end up as tenants in common. He said the analysis that had been done that will generate some notices tomorrow, is reflected on a graphic and does not include any other lots.

In response to Mr. Chapman, Community Development Director Ewing explained that following the receipt of the notice, the landowner could request a hearing on the property to be merged.

**Mrs. Hill**, 2934 San Juan Blvd, expressed her concerns about this ordinance preventing them from selling the lot they owned next door for their retirement. She said this had been tried once before, and she would like the Council to take her situation into consideration.

**Mr. Hsu**, 921 Hill Street, #2, said this was another step in promoting open space. He said this would impede owners from developing or selling their property, and a good neighbor does not diminish his neighbor's property values, or restrict his wealth, by restricting the use of his land. Mr. Hsu said that if a land owner wanted to voluntarily merge his lots that was fine. He said he did not think it was correct for the City to take this action just because they had the power. He said people's property rights should be taken into consideration before these decisions were made.

**Mr. Campbell**, 3636 Jefferson Avenue, Redwood City, asked if the slope density would be transferred when the lots were merged, and would future sales be blocked on these lots?

Community Development Director Ewing stated that the new lot would be subject to all the zoning standards. He explained that lots that were in escrow currently would be effected if a Notice of Intent was filed on that property.

Attorney Coluntano stated he would research this question, and report out after the next speaker.

**Mr. Dentler** 2608 Wakefield Drive, President, San Juan Canyon Preservation Trust, stated that their group would not have an opinion on this action because of their non-profit status. He explained that he and his supporters stood for rational growth, and not impeding the rights of property owners. He said it was a quality of life and livable community issue to his group. He said this legislation was about reducing traffic, infrastructure burden, and burden on schools. Mr. Dentler stated that this was not about property rights, he said his group would gladly negotiate with anyone who was willing to sell their property for full market value. He said he had to ask when enough was enough, with overbuilding. He said what was being voted on tonight was an updating of outmoded eighteen year old zoning laws.

**Attorney Colantuono**, stated that only lots in common ownership could be merged at the time that the City acts. They are considered in common ownership, if that is the case, on the date the notice is recorded. He said if there is a pending sale, as of tomorrow, it would be effected by the potential merger.

On motion by C. Cook, seconded by C. Wright, and approved unanimously, to close the public hearing.

C. Warden stated he was one of two Councilmembers of the San Juan Hills Area sub-committee who examined many of the issues in the San Juan Hills. He said he did not think San Juan Boulevard was effected by this ordinance, because it was an improved street. He said they looked at substandard lots on paper streets, with geologic hazards without utility access.

**Action** on motion by C. Cook, seconded by C. Wright, and approved unanimously, by show of hands, 3-0 (Rianda, and Hahn abs) to adopt:

**Ordinance No. 973** amending the Subdivision Ordinance by adding Section 17 establishing Rules and Procedures Governing City-Initiated Mergers of Contiguous Parcels in Common Ownership.

**Public Hearing to consider a Mitigated Negative Declaration of Environmental Significance, Zone Change, Conceptual Development Plan, and Tentative Parcel Map To subdivide a 29,922 square foot parcel (.686 acres) into three lots and construct three single family dwellings at 1112 North Road. Two 3,764 square foot dwellings, and one 3,030 square foot dwelling are proposed. All homes include five bedrooms and three bathrooms, and two car side by side garages. Maximum height of the dwellings is 28 feet. (Application No. 00-1031); APN: 044-101-120; Zoned: R-1B (Single Family Residential); General Plan Designation: (RI) Low Density Residential; CEQA Status: Mitigated Negative Declaration; Wayne Batavia (Applicant/Owner).**

Principal Planner deMelo explained that this proposed project would subdivide a 29,922 square foot lot into three separate parcels, to allow for construction of three single-family dwellings. He explained that the home on Parcel A would be accessed from North Road, and the other two homes would be accessed from a private north to south road. He explained that the applicant redesigned the project to accommodate the concerns of the Commission and neighbors, which reduced the grading to 1,400 cubic yards, reduced the square footage of the homes, created a planting strip along the north portion of the private roadway and redesigned the lots from flat to "split level". Principal Planner deMelo stated that if the Council approved the Conceptual Development Plan, the Planning Commission would look at the other entitlements when they considered the Detail Development Plan.

Vice Mayor Warden opened the public hearing.

**Mr. Batavia**, Silverwing Development, 1390 Willow Pass Road, Suite 410, Concord, used story boards to describe the project and showed the site plans for these homes. He explained that they would be making improvements to the drainage system, providing new inlets, which would take care of the flooding problems in this area. He requested that condition #27 be removed from the list of conditions, (to provide a street light plan on Ralston Avenue) because it was not applicable to this project.

**Mr. Luzuriaga**, LTI Engineering answered questions regarding the site lines for the three parcels. He noted that the views would not be further impacted by construction of these homes.

Community Development Director Ewing clarified that the other entitlements that would be considered when this project was submitted to the Planning Commission for approval of the Detail Development Plan, were the Conditional Use Permit, Grading Permit and Design Review.

In response to C. Warden, Community Development Director Ewing stated that the Council held the authority to approve the Zoning Change, and the Tentative Parcel Map for this project.

**Mr. Diridon**, Carlmont Associates, recommended that the Council approve this project. He said this developer had worked with the City to bring a quality project to the neighborhood.

**B. Struthers**, 1115 North Road, stated her family had lived with the deferred maintenance on this property for many years, and she was happy to have the area cleaned up and such a attractive homes being constructed on this site.

**S. White**, 1128 North Road, stated her concerns about her view being blocked from her deck by these huge homes. She said that they were not single family dwellings, and she was also concerned about the lack of parking that would be needed for the residents of these homes. She requested that a story pole be added to the site, so that the height limit would be observed by the builder.

**Mr. Batavia**, Silverwing Development, stated he disagreed with the speakers comments. He said they had engineered the homes in such a way that Mrs. White's view would not be impacted.

**Mr. White**, 1128 North Court, stated that the house on Parcel A had a flat roof , but was concerned about the height of the pitched roofs.

Mr. Batavia stated that the elevations of the current house, and the new house would be about the same within a few inches.

**Mr. Gross**, 1110 North Road, said that the builder had worked to overcome the neighbor's concerns. He said he was very happy that the drainage was being taken care of with this project. He said they were a little unsure what these homes would look like when they were constructed. Mr. Gross said he was happy with the proactive approach the developer had taken. He hoped that the current wildlife on this property would be taken into consideration during construction.

**Mrs. Gross**, 1110 North Road, expressed concerns about the trees that would be removed from along the fence line. She said she hoped that some of the trees could be saved to provide shade, instead of the vines that they were going to plant. She said these homes will be quite large compared to her small home, and she was worried about the overflow parking on North Road when they entertained.

On motion by C. Wright, seconded by C. Cook, and approved unanimously, to close the public hearing.

In response to C. Cook, Community Development Director Ewing explained the order and timeframe in which these Resolutions and Ordinance would be adopted. He said following these actions, this project would return to the Planning Commission for further Public Hearings and review.

In response to C. Wright, Community Development Director Ewing stated that some of the concerns that had been raised by the neighbors could be discussed during the Conceptual Development Plan and Detail Development Plan stages.

In response to C. Warden, Community Development Director Ewing stated that a condition could be added that stated that the dwelling on Parcel A shall not exceed the height of the existing single family dwelling currently located on site. He reported that it was his understanding the all three homes would not exceed the top elevation of the existing home.

**Action:** on motion by C. Wright, seconded by C. Cook, and approved unanimously, by show of hands, 3-0 (Rianda, and Hahn, abs) to adopt:

**Resolution No. 9097** adopting a Mitigated Negative Declaration of Environmental Significance for a Three Unit- Single Family Residential Development at 1112 North Road (Appl. No. 00-1031).

**Action:**on motion by C. Wright, seconded by C. Cook, and approved unanimously, by show of hands, 3-0, (Rianda and Hahn abs.), to:

Introduce Ordinance approving a Zone Change from R-1B Single Family Residential to Planned Development (PD) Zoning to incorporate a Conceptual Development Plan for Construction of a Three-Unit Single Family Residential Development at 1112 North Road. (Appl. No. 00-1031). 2<sup>nd</sup> reading and adoption on 10/23

C. Warden made a motion, seconded by C. Wright, and approved unanimously, 3-0 (Rianda, Hahn abs.) to have staff amend the conditions in the Conceptual Development Plan to remove condition 27 (street light plan for Ralston), and to add a condition that the home on Parcel A would not exceed current height.

**Recess at this time, being 9:10 P.M.**

**Reconvene at this time, being 9:25 P.M.**

Vice Mayor Warden requested that the Sister Cities item be considered at this time.

Council concurred to hear this item at this time.

### **NEW BUSINESS -**

#### **Consideration of Resolution Approving Membership with Sister Cities International and Sister City Exchange between Belmont and Namur, Belgium.**

Parks and Recreation Director Mittelstadt reported that following a joint meeting of Council and the Arts Commission in May, 2001, Council instructed staff to return with a proposal to form a Sister City relationship with Namur, Belgium and to join Sister Cities International.

**Action:** on motion by C. Wright, seconded by C. Cook, and approved unanimously, by show of hands, 3-0, (Rianda, and Hahn abs.) to adopt:

**Resolution No.9098** approving Membership with Sister Cities International and Sister City Exchange between Belmont and Namur, Belgium.

### **OLD BUSINESS**

#### **Consideration of Resolution of Support for the San Mateo County Community College District Facilities Improvement Bond, November 6, 2001 Election.(Cont'd from 9/11)**

**Mr. Hickey**, 243 Ferndale, Emerald Hills, wrote the ballot argument against this measure. He said he thought that more college classes would be offered on-line in the future, so this upgrade to the brick and mortar facilities was not necessary.

**Chancellor Galatolo**, Chancellor of the San Mateo County Community College District, explained that the college district offered many on-line courses, but that some of the vocational classes need classroom experience for certification. He explained that a Master Plan had been developed to reflect the needs of the community. Mr. Galatolo explained that Canada College had recently been certified as a four year college to certify teachers, through a Joint Venture with San Francisco State College.

He listed some of the other programs that were being offered on the various campuses.

He said that there has been strong support for this Measure throughout the County.

C. Cook stated that she was in support of educational facilities, because it reflected favorably on property school values in a community.

C. Wright stated that this community college system had a favorable impact on numerous people's lives. He said he hoped that learning at home would never become the norm, because valuable lessons were learned through socialization.

**Action:** on motion by C. Cook, seconded by C. Wright, and approved unanimously, by show of hands, 3-0 (Rianda, Hahn, no) to adopt:

**Resolution No. 9099** in support for the San Mateo County Community College District Facilities Improvement Bond November 6<sup>th</sup>, 2001 Election.

**Consideration of Resolution approving a Permanent Encroachment Agreement for Construction of a Timber Plank Retaining Wall within the Public Right-of-Way at 3229 Upper Lock Avenue (APN: 043-122-100, Mr. Aubain;.cont'd from 9/25)**

**Action:** on motion by C. Cook, seconded by C. Wright, and approved unanimously, 3-0, (Rianda and Hahn abs.) to continue this item October 23<sup>rd</sup>.

**Consideration of Resolution approving the Conceptual Design for the US Highway 101 Bicycle/Pedestrian Bridge and Bikeway, City Contract No. 433.**

Assistant City Engineer Jones reviewed the history of this project, and stated that the landscaping and design concept for the bridge would be explained by the consultants T.Y LIN. He explained that they had produced an animated video, to show the bike path across the bridge.

**Mr. Ashley**, Project Manager, Sr. Vice President, T.Y.LIN International, Inc. explained that they recommended that landscaping be placed at each approach to the bridge and along the bike path, but did not recommend landscaping on the bridge, because of the cost of widening that would be required to accommodate it.

**Mr. Rabines**, Project Architect, Principal, Safdie Rabines, Architects, explained the butterfly design concept incorporated the children's ideas. He showed the flow of the bridge structure, with the pitched and wave shaped safety screening and noted that at each of the bridge columns, the structure rose into dramatic spans, which added an elegant connection. He said the lighting would

be recessed under the curbs along each side of the deck, and the texture would be sandblasted with earth tone colors.

In response to C. Cook, Assistant City Engineer Jones stated that even if funding became available at a later date for more landscaping, it could not be added , because the bridge would not be wide enough to meet Caltrains specifications.

In response to C. Warden, Assistant City Engineer Jones stated that the stairs would allow a bicycle to be ridden down them.

**Action:** on motion by C. Cook, seconded by C. Wright, and approved unanimously, by show of hands, 3-0 (Rianda, and Hahn, abs.) to adopt:

**Resolution No. 9100** approving the Conceptual Design for the US Highway 101 Bicycle/Pedestrian Bridge and Bikeway, City Contract No. 433.

**Discussion and direction regarding Project Status Report and other routine reporting systems.**

Assistant City Manager Rich reviewed the Project Status System that was developed to determine the number of special assignments, provide workplans, integrate into the employee evaluation system, and to develop a method to manage/monitor/report on these systems. He said this system was developed to assure that projects would not fall through the cracks, and to provide a tool for future projects and possible priority setting. He reviewed the mechanics of this reporting system, and explained the additional criteria suggests that anything estimated to take over 15 hours of staff time would be included on the projects list. He suggested that projects proposed by the City Manager or staff, that met this criteria, should be added to the list as well.

Assistant City Manager Rich noted that since that last update, 33 projects had been completed, and since July, 54 had been completed. He noted these were one time projects, above and beyond the normal work load of staff. He requested approval of the 16 Project Description Forms attached that had been instigated at the request of the City Manager or by Council. He recommended that projects that would not be started in the fiscal year they were proposed, be put in a "Below the Line" category. He said that if it was the desire of Council to address an issue earlier than proposed, other projects may need to be adjusted.

Assistant City Manager Rich suggested that Council review these projects twice a year, to drop or reassign projects. He said following this discussion, staff would integrate the new items with the existing list with timeframes. He explained that if Council wished to move a project up the list, a super majority of (four votes) would be required.

Assistant City Manager Rich reported that the reports that Council received on a weekly basis, would be distributed monthly. The City Manager would continue to report weekly, including updates on milestones or other critical issues.

In response to C. Cook, Assistant City Manager Rich stated that staff would work on adding another reporting column indicating dates for milestones, or completion dates of projects.

C. Wright stated that he thought that the Biannual review would provide balance and flexibility if a project needed to be considered sooner.

Vice Mayor Warden requested an exemption so that he and C. Wright could present their idea to form a task force to look at a bond measure to combine open space funds with athletic field improvements as a number 9 on the next agenda.

City Manager Kersnar said that the staff would be bringing the Athletic Field Master Plan, and park funding soon, so a number 9 may not be necessary.

**Action:** on motion by C. Cook, seconded by C. Wright, and approved unanimously, by show of hands, 3-0, (Rianda and Hahn, abs.) to approve changes to the Project Status Report and other routine Reporting Systems.

## **NEW BUSINESS -**

Discussion and direction regarding the timeframe and process for City Council sponsored Initiative regarding City Parks.

**Action:** on motion by C. Cook, seconded by C. Wright, and approved unanimously, 3-0, (Rianda and Hahn abs.) to continue to October 23<sup>rd</sup>.

**ADJOURNMENT** at this time, being 10:10 P.M. this meeting was adjourned.

Kathy Kern

Belmont City Clerk

Meeting tape recorded and videoed

Tape No. 505

## **SPECIAL MEETING**

A. Planning Commission Interview.(C. Feierbach)

This interview was rescheduled due to scheduling problems.